

WYATT
36330-051903



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 19, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call. (All present)

The Invocation was delivered by The Reverend Catherine A. Houchins, Pastor, Metropolitan Community Church of the Blue Ridge.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTN Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, May 22, 2003, at 7:00 p.m., and Saturday, May 24, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A Resolution appointing Beverly T. Fitzpatrick, Jr., to fill the unexpired term of William H. Carder, ending June 30, 2004.

Adopted Resolution No. 36330-051903. (7-0)

File #132

Administration of the Oath of Office. The Honorable Charles N. Dorsey, Judge, Twenty-Third Judicial Circuit of Virginia.

File #15-132

Proclamation declaring May 18 - 24, 2003, as Emergency Medical Services Week.

File #3-354

Proclamation declaring Sunday, June 1, 2003, as Helen Keller Day.

File #3-353

The Mayor read a communication from Chief Petty Officer John Fendor, Jr., who is currently serving in the Persian Gulf, commending the City of Roanoke on its displays of patriotism.

File #80

3. CONSENT AGENDA

(APPROVED 7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #110-132

- C-2 A communication from Vice-Mayor C. Nelson Harris, Chair, Roanoke City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss performance evaluations of four Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #110-132

- C-3 Minutes of the Roanoke City Audit Committee (Planning Session) held on Monday, April 21, 2003.

RECOMMENDED ACTION: Receive and file.
File #110-300

- C-4 A communication from the City Clerk advising of the resignation of S. Wayne Campbell as a member of the City Planning Commission, effective immediately.

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.
File #110-200

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

1. A communication in connection with amendments to the City's policy with regard to determination of tax-exempt property.

**Adopted Resolution No. 36331-051903. (7-0)
File #79**

2. A communication with regard to property acquisition at 1428 10th Street, N. W.

**Adopted Budget Ordinance No. 36332-051903 and Ordinance No. 36333-051903. (7-0)
File #2-60-166-237**

**Council Member Cutler inquired if buildings along Ore Branch between Cycle Systems, Wonju Street and the Roanoke River would be eligible for acquisition and demolition under FEMA's Hazard Mitigation Grant Program. The City Manager advised that staff will contact the appropriate officials to determine if funds are available.
File #2-237**

3. A communication recommending appropriation of funds for the Roanoke Civic Center Waterproofing Project.

**Adopted Budget Ordinance No. 36334-051903. (7-0)
File #60-192**

4. A communication recommending changing the name of the Railside Linear Walk to the O. Winston Link Railwalk.

The matter was referred to the City Planning Commission for study, report and recommendation to Council.

**Council Member Fitzpatrick suggested that there be recognition of local persons as a part of the naming of the rail walk in addition to the O. Winston Link connotation; i.e.: President or Chair of Norfolk and Western Railway.
File #80-223-392**

5. A communication recommending acceptance of an additional \$7,470.00 in regional competitiveness funds and a commitment of \$8,193.00 from Roanoke County.

**Adopted Budget Ordinance No. 36335-051903 and Resolution No. 36336-051903. (7-0)
File #60-412**

6. A communication recommending authorization to execute an agreement with the Roanoke Valley Convention and Visitors Bureau to market the Roanoke Valley as a regional destination for convention and destination tourism, in the amount of \$847,440.00.

**Adopted Resolution No. 36337-051903. (7-0)
File #293-336**

7. A communication recommending transfer and appropriation of funds in connection with the regional automated library system test server.

**Adopted Budget Ordinance No. 36338-051903. (7-0)
File #60-262-323-403**

8. A communication recommending execution of a lease agreement with Kirk Avenue Properties, LLC, in connection with a training facility and the Occupational Health Clinic located on Kirk Avenue.

**Adopted Ordinance No. 36339-051903. (7-0)
File #184-373**

9. A communication recommending acceptance of the National Network of Libraries of Medicine/Southeastern Atlantic Region grant, in the amount of \$49,116.00.

Adopted Budget Ordinance No. 36340-051903 and Resolution No. 36341-051903. (7-0)
File #60-221-236-323-403

10. A communication recommending transfer of \$606,000.00 in connection with relocation of the Social Services Department to the Civic Mall at 1502 Williamson Road, N. W.

Adopted Budget Ordinance No. 36342-051903. (7-0)
File #60-72

11. A communication recommending revisions to the City Code in connection with sewer connections and extensions.

Adopted Ordinance No. 36343-051903. (7-0)

Council Member Bestpitch suggested that staff prepare an amendment to the ordinance for consideration by Council at a later date requiring notification of future property owners of the existence of a private pumping facility.
File #24-27-468

12. A communication in connection with acceptance of Citizen Corps Grant funds.

Adopted Budget Ordinance No. 36344-051903 and Resolution No. 36345-051903. (7-0)
File #60-188-236

BRIEFINGS:

13. Youth Commission. (20 minutes)
Received and filed.
File #110-304

7. REPORTS OF COMMITTEES:

- a. A communication from the Roanoke City School Board requesting appropriation of \$57,008.00 from the Capital Maintenance and Equipment Replacement Fund for school bus route management software and replacement of school buses; and \$2,100,000.00 for Lincoln Terrace improvements; and a report of the Director of Finance recommending that Council concur in the request.

Adopted Budget Ordinance No. 36346-051903. (7-0)
File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Dowe commended and expressed appreciation to staff of the Fire/EMS Department on the service they render to the citizens of Roanoke on a daily basis.

File #70-80-354

Council Member Cutler called attention to a newspaper article which was published in the Monday, May 19, 2003 edition of *The Roanoke Times*, and commended William Fleming High School on academics and classroom achievement.

File #80-227-467

Council Member Cutler commended the efforts of Pearl Fu in connection with another successful Local Colors festival on Sunday, May 18, 2003.

File #80-110-327-431

Council Member Cutler called attention to the need to expedite construction of storm sewer drains through creation of a storm water utility fee to fund construction and inclusion of flood control among future responsibilities of the water authority.

File #27-468

Council Member Cutler called attention to a public meeting on development of Tinker Creek Watershed Bacteria Total Maximum Daily Load Rules Affecting Glade Creek, Lick Run, Layman Creek, and Carvin Creek on June 24, 2003, at 7:00 p.m., in Babcock Auditorium at Hollins University.

File #468

- b. Vacancies on certain Council-Appointed authorities, boards, commissions and committees.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

The City Manager commended Soft Solutions, a graduate of the Small Business Incubator in Wasena, which was named the 2003 Outstanding Incubator Graduate in the technology category at the National Business Incubation Association International Conference on Business Incubation in Richmond, Virginia.

File #80-384

The City Manager announced that Wilhemina Boyd will assume the position of Director of Civic Facilities, effective May 28, 2003.

File #184-192

At 4:05 p.m., the Council meeting was declared in recess for two Closed Sessions.

CERTIFICATION OF CLOSED MEETING. (6-0, Vice-Mayor Harris was absent.)

Council Member Fitzpatrick was appointed to the following committees:

Budget and Planning Committee

Audit Committee

Legislative Committee

Personnel Committee

**Roanoke Valley Convention and Visitors Bureau, Board of Directors
(Council Member Wyatt will serve as alternate representative.)**

- **Vice-Mayor Harris will Chair the Budget and Planning Committee**
- **Council Member Bestpitch will Chair the Legislative Committee**
- **Council Member Dowe will Chair the Personnel Committee**
- **The Mayor will fill the unexpired term of William H. Carder as a member of the Roanoke Valley-Alleghany Regional Commission, ending June 30, 2003**
- **Council Member Bestpitch will replace Mr. Carder on Virginia's First Coalition of Cities
(Council Member Fitzpatrick will serve as alternate representative.)**
- **Vice-Mayor Harris will replace Mr. Carder on the War Memorial Committee**

File #60-110-132-137-202-293-326-300-518-550

F. B. Webster Day, Cheryl D. Evans and Ashley Johnson were reappointed as members of the Youth Services Citizen Board, for terms ending May 31, 2006, and W. Richard Clemmer, Jr., was appointed, for a term ending May 31, 2006.

File #110-304

AT 6:50 P.M., THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 19, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (Vice-Mayor Harris was absent.)

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Thursday, May 22, 2003, at 7:00 p.m., and Saturday, May 24, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PRESENTATIONS AND ACKNOWLEDGEMENTS:

1. Shining Star Awards were presented to the Patrick Henry High School Emergency Response Team and to Mr. Eugene E. Samuel.
File #80

B. PUBLIC HEARINGS:

1. Request of Liberty Property Limited Partnership that a 0.186 acre portion of right-of-way in the shoulder of Blue Hills Circle, N. E., be permanently vacated, discontinued and closed. Alan T. Lingerfelt, Senior Vice-President, Liberty Property Trust, Spokesperson.

Adopted Ordinance No. 36347-051903. (6-0)
File #514

2. Request of the City Planning Commission that property located within the southwest quadrant of the City, identified as Official Tax Nos. 1330401-1330403, inclusive, and 1330117, 1330118 and 1330134, located on Denniston Avenue, Memorial Avenue and Our Street, S. W., be rezoned from C-1, Office District, to CN, Neighborhood Commercial District. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36348-051903. (6-0)
File #51

3. (1) Proposal of the City of Roanoke to enter into an option, or sale agreement, for the sale of 18.437 acres of City-owned property, identified as New Tract F, located at the Roanoke Centre for Industry and Technology, for commercial purposes. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36349-051903. (6-0)
File #2-166-207

- (2) A communication from the City Manager recommending authorization for issuance of up to \$6,000,000.00 in Revenue Bonds of the Industrial Development Authority of the City of Roanoke, in connection with the request of WELBA I, LLC, or another limited company to be formed by the principals thereof, to purchase and install new equipment in the Roanoke Centre for Industry and Technology.

Adopted Resolution No. 36350-051903. (6-0)
File #2-166-207

4. Amendment of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, Section 36.1-228, Special exception uses, to include veterinary clinics with no outside corrals and pens. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36351-051903. (6-0)
File #24-54

5. (1) Proposed amendments to the Zoning Ordinance to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service and a new and used commercial motor vehicle sales and service. R. Brian Townsend, Agent, City Planning Commission.

Action on the ordinance was tabled and the matter was referred back to the City Planning Commission for further study, report and recommendation to Council and to provide an opportunity for input by all affected parties.
File #5-24-530

- (2) A communication from the City Manager recommending amendment to Section 20-71, Code of the City of Roanoke (1979), as amended, with regard to regulation of on-street or alley parking of commercial motor vehicles in residential districts.

Action on the matter was tabled until the definition of commercial vehicle is determined.

File #24-514-553

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., Ms. Bessie Bond, 1933 Gayle Street, N. W., and Ms. Helen E. Davis, 35 Patton Avenue, N. E., addressed Council with regard to the need for screen doors on units in the Lincoln 2000 housing development.

File #66-178

Mr. Chris Craft, 1501 East Gate Avenue, N. E., and Mr. David Fifer, 3738 Heritage Road, S. W., addressed Council with regard to the need for School Resource Officers at William Fleming and Patrick Henry High Schools.

File #467

Ms. Eleanor Casey, 5220 Shamrock Road, N. W., addressed Council in connection with a house that was moved to the Shamrock Road area approximately one year ago. She inquired as to what actions, if any, the City can take to have input with regard to changing State regulations governing authorization of building permit extensions every six months for an indefinite period of time, and who has jurisdiction over site regulation during the construction process.

File #24-27-60-66-165-178

Ms. Gloria Dowe, 3702 High Acres Road, N. W., also addressed issues regarding a house that was moved to the Shamrock Road area. She inquired as to when does a structure being transported on steel beams to a site that is not supported by steel beams cease to be a conventional mobile manufactured home; and are there zoning regulations prohibiting the location of a mobile home in a residential neighborhood. She called attention to the need for sidewalk, curb and gutter in the area.
File #24-27-60-66-165-178

Council Member Bestpitch responded to the remarks of Ms. Casey and Ms. Dowe and advised that the Legislative Committee will look to the City Manager for recommendations for inclusion in the City's 2004 Legislative Program in order to address their concerns.
File #24-27-51-60-66-137-165-178

Mr. Robert Gravely, 3360 Hershberger Road, N. W., expressed concern that the City of Roanoke supports the needs of business over the needs of its citizens; the City's ageing infrastructure; and the City is losing revenue because all sales and real estate taxes are not being properly collected.
File #66-79

Council Member Dowe requested that the City Manager investigate standing water at the corner of Andrews Road and 19th Street, N. W., and Wellsley Avenue and Abbott Street, N. W.
File #468

Council Member Wyatt requested that the City Manager investigate standing water in the area of the Lynchburg Turnpike.
File #468

Council Member Fitzpatrick called attention to pot holes in the City's streets and encouraged City employees to identify those areas of the City as they go about their daily tasks, with the goal of repairing pot holes on a temporary basis pending the City's annual street paving program.
File #514